

THE  
C A S E      R E M A R K S  
OF  
GEORGE EVELYN  
OF  
C A S E.

*Wotton, in the County of Surrey, Esq;*

**G** *George Evelyn* having one Daughter and three Grand-Daughters (the Children of his Eldest Son Deceased) but no Issue Male living; did by his Deed in the Year 1692, (a) Voluntarily Settle his Estate of near Two Thousand Pounds *per Annum* Value, to the Use of Himself for Life, without Impeachment of Waste, with Remainder to his Brother *John Evelyn*, and the Heirs Male of his Body, with Remainder to *John Evelyn* (Son of the said *John*) and the Heirs Male of his Body, and for default of such Issue, to the Use of Himself, his Heirs and Assigns.

In which Settlement, the full (b) Intention and Design of the said *George Evelyn*, was to preserve the Premises, after his own Decease, to his Brother and his Issue Male; but upon failure of such Issue Male, that the same should assuredly Revert to his own right Heirs.

And the said *George Evelyn* trusting and depending that his Brother and Nephew would not take any Advantage from the said Voluntary Settlement, further than was intended thereby, and relying upon their Fidelity and (c) Gratitude therein, did not (as in Caution he might have done) reserve to Himself, in the said Settlement, any Power of Revocation; nor did Restrain the Uses to first, second, or other Sons of his Brother in Tail (as the Course is to do in like Cases) whereby to hinder their destroying the said Settlement; of which they taking Advantage (as the said *George Evelyn* hath now lately discovered) (d) Intend, after his Decease, to suffer a Recover of the Premises to barr the said Reversion to his own Right Heirs, which being contrary to his Intention, he hath desired his said Brother to joyn with him in such a new Settlement, as may effectually Secure the said Reversion to his right Heirs, after his Decease, according to his true Intention. But the said *John Evelyn* refusing to comply therewith, and designing to take Advantage of the said Settlement (though voluntary) to defeat his right Heirs of the said Reversion.

Therefore the said *George Evelyn* beseecheth the Honourable House of Commons, to give leave for bringing in a Bill, for the new Setling and Securing his Estate, according to his Intentions in the said Deed of Settlement (*viz.*) after his own Decease, to his Brother and his Son, and their several Sons successively in Tail Male, in such manner, that upon failure of such Issue Male, the Premises may revert to the said *George Evelyn*'s own right Heirs, without any Power of his Brother, or his Son to barr the same.

(a) THE Settlement having been Voluntarily made so long since, and no manner of Surprise or Mistake pretended, and the Circumstances of the Family, with respect to the Issue of each Brother, being exactly the same now, as when the Settlement was made, 'tis humbly hoped, there's no Reason for the Parliament to interpose in this Matter.

(b) The Intention and Design of the Settlement plainly appear from the Settlement it self, whereby *John Evelyn* of *Deptford*, Esq; and *John* his Son have Estates Tail successively limited to them, without any Restraint of exercising the Powers belonging to such Estates.

Besides, this Settlement was drawn by a Gentleman, whose Learning, Experience and Integrity, are so well known, that it cannot be imagined, but that the Settlement was made agreeable to the Instructions and Intentions of Mr. *George Evelyn*.

But to remove all manner of Doubt concerning Mr. *George Evelyn*'s Intentions herein, He was, whilst this Conveyance was preparing, Advised, and Importunately press'd by his Council, to Reserve to himself a Power of Revocation; but he reasonably suspecting what Clamours he might be Subject to from his Grand Daughters (all which had been very largely provided for; yet one of them lately Marrying one Dr. *Fulham*, a Clergyman, he has raised this Clamour after so many Years Satisfaction under the Settlement) and also maturely considering the Circumstances of his Family, positively refused to have any Restraint upon the Estates Tail, limited to his Brother and Nephew successively, as aforesaid.

(c) There never has the least Reason yet appear'd for suspecting their Gratitude, but 'tis humbly conceiv'd, 'twill not be thought Reasonable, that as an Evidence of their Gratitude, they should depart with an Estate Tail, and Fetter three Generations, by making Grandfather, Father and Son, bare Tenants for Life, to Gratifie the Unreasonableness of Dr. *Fulham*.

(d) What Revelation Dr. *Fulham* has had of this Intention is not known, but 'tis as certain no one Act has ever been done to create any reasonable Distrust, as that there has never hapned any Variance in the Family between the two Brothers for 60 Years and upwards, till Dr. *Fulham*'s Marrying into the Family, to whom onely this present Clamour is to be attributed.

'Tis most humbly Prayed that no such Bill may be brought in and Pass'd.



THE  
**CASE**

**Of GEORGE EVELYN**  
*of Wotton, in the County of  
Surrey, Esq; With some  
Remarks thereon, by John  
Evelyn of Deptford, Esq;  
only Brother of the said  
George.*